

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

<b>IN RE:</b>	§	
	§	<b>CASE NO. 11-80442</b>
<b>CARLEN CONCEPTS, LLC,</b>	§	
	§	<b>Chapter 7</b>
<b>Debtor</b>	§	
	§	
<b>PATRICK AND LYNDA MICHAELSKI,</b>	§	
	§	
<b>Plaintiffs</b>	§	
	§	
<b>V.</b>	§	<b>ADVERSARY CASE NO. _____</b>
	§	
<b>JOHN AND PEGGYWRIGHT and</b>	§	
<b>CARLEN CONCEPTS, LLC,</b>	§	
	§	
<b>Defendants</b>	§	

**NOTICE OF REMOVAL**

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

1. Carlen Concepts, LLC, Debtor, filed a Voluntary Petition under Chapter 7 of the Bankruptcy Court in this Court on or about August 25, 2011.
  
2. On May 26, 2009, a civil action was commenced against John and Peggy Wright as the initial defendants in the 122<sup>nd</sup> Judicial District Court of Galveston County, Texas, in a case styled "Patrick and Lynda Michaelski v. John and Peggy Wright," under Cause No. 09-CV-0786 (the "Galveston Lawsuit"). On September 25, 2009, an amended petition was filed in the Galveston Lawsuit adding Carlen Concepts, LLC as a named defendant. On August 16, 2010, a second amended petition was filed in the Galveston Lawsuit adding Grant and Rebecca Dietz as named defendants. Copies of all papers

that have been filed in the Galveston County District Court from which this lawsuit is removed are attached hereto together with an index of those pleadings. Each of the attachments is a true and correct copy of the pleadings and orders entered in the Galveston Lawsuit.

4. The substance of the pending Plaintiffs' Second Amended Petition concerns the Plaintiffs' allegations that their neighbors, John and Peggy Wright, together with Carlen Concepts and its individual members Grant and Rebecca Dietz, allegedly raised the Wright's property and caused two separate alleged flooding events in Plaintiffs' home. The Galveston Lawsuit must be removed to this Court because the Plaintiffs, creditors of the Debtor, are seeking to recover property of the estate.

5. This notice of removal is filed within 30 days of receipt of the petition and is timely filed under 28 U.S.C. § 1452(a) and Bankruptcy Rule 9027.

6. This Court has jurisdiction over this case pursuant to the provisions of 28 U.S.C. § 1334(b). The Galveston Lawsuit is one which may be removed to this Court pursuant to 28 U.S.C. § 1452(a).

7. Upon removal, the action is a non-core proceeding related to a case under title 11. The Debtor does consent to entry of final orders or judgments by the bankruptcy judge.

8. Pursuant to Bankruptcy Rule 9027(b), copies of the Notice of Removal are being served on all parties to the Galveston Lawsuit.

9. Pursuant to Bankruptcy Rule 9027(c), a copy of this Notice of Removal is

being filed with the Clerk of the 122<sup>nd</sup> Judicial District Court, Galveston County, Texas, from which the Galveston Lawsuit has been removed.

WHEREFORE, the Debtor prays that the above action now pending in the 122<sup>nd</sup> Judicial District Court of Galveston County, Texas, styled "Patrick and Lynda Michaelski v. John and Peggy Wright and Carlen Concepts, LLC" under Cause No. 09-Cv-0786, be removed to this Court.

Respectfully submitted,

**ZUKOWSKI, BRESENHAN, & SINEX, L.L.P.**

By: 

Marc J. Magids

State Bar No. 12818500

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Houston, TX 77027

(713) 965-9969

(713) 963-9169 (fax)

**Attorney for Carlen Concepts, LLC,  
Debtor**

**CERTIFICATE OF SERVICE**

A true and correct copy of the above and foregoing Notice of Removal has been served on the following by certified mail, return receipt requested, on the 25<sup>th</sup> day of August, 2011 as follows:

Robert D. Clements  
1600 E. Highway 6, Suite 318  
Alvin, Texas 77511  
*Plaintiffs' Attorney of Record*  
**CM NO. 7010 2780 0002 3334 0255**  
**Return Receipt Requested**

Brian Chandler  
750 Bering Dr., Suite 600  
Houston, Texas 77057  
*Attorney of Record for Defendants John and Peggy Wright*  
**CM NO. 7010 2780 0002 3334 0262**  
**Return Receipt Requested**

Steven T. Parker  
715 Clear Lake Road, Suite 101  
Kemah, Texas 77565  
*Litigation Counsel for Defendant Carlen Concepts, LLC*  
**CM NO. 7010 2780 0002 3334 0279**  
**Return Receipt Requested**

Maurice Bresenhan, Jr.  
1177 West Loop South, Suite 1100  
Houston, Texas 77027  
*Attorney of Record for Defendants Grant and Rebecca Dietz*  
**CM NO. 7010 2780 0002 3334 0286**  
**Return Receipt Requested**

  
\_\_\_\_\_  
Marc J. Magids

**LIST OF COUNSEL**

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*Plaintiffs' Attorney of Record*
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4. Steven T. Parker  
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*Litigation Counsel for Carlen Concepts LLC*
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*Attorney of Record for Grant and Rebecca Dietz*